

SIMTEK6241

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Tadashi Takano
App. No.: 09/787299
Filed: March 15, 2001
Title: ROTATING ELECTRICAL
MACHINE
Art Unit: 2834
Conf. No: 8159

I hereby certify that this correspondence and all
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872-9319 on:

April 29, 2003

Ernest A. Beutler
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PETITION TO HAVE EXAMINER'S ANSWER REVISED TO ELIMINATE
REFERENCE TO NEW CITATION

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Assistant Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER 2800

Sir:

This is submitted in response to the Examiner's Answer mailed April 22, 2003. Before getting into the merits, Appellant petitions the Commissioner to exercise his supervisory authority and direct the Examiner to either again reopen prosecution to permit Appellant to respond to the new citation first applied in this Answer or to direct the Examiner to revise his answer by withdrawing this citation.

This action clearly emphasizes the inequity in the present practice in many Examining Units to not fully search a new case or clearly express the full terms of the basis for rejection in the first Office Action. Then when applicants reply the Examiners frequently more fully explain their position, but refuse entry of proposed amendments on the basis that a new search is required in spite of the MPEP's directive that the examiners search not only what is claimed but might reasonably be expected to be claimed.

The Examiner, for the first time in his present brief is now claiming that parallel strands are twisted relying on a dictionary definition never before applied. This simply is not fair, particularly in view of the complete prosecution in this case. Therefore the Examiner should not

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be permitted to rely on the new citation when Appellant has no right of amendment.

Appellant wishes to reply, but should not be forced to consider new citations unless prosecution is reopened. Appellant requests therefore supervisory review beyond the confines of the Brief on this point and a staying of the time for reply until this issue is resolved.

Respectfully submitted,



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